

Case No. MJ 14-00030 JPD
AFFIDAVIT OF PROBABLE CAUSE

TO: Chief Judge, duly credentialed
U.S. District Court
700 Stewart St.
Seatt. 98101
Washington State, USA

FROM: Paul Andrew Mitchell B.A. M.S.
FDC Seatac Reg. No. 44202-086, Unit "EA"

SUBJECT: facts invoking application now
of Johnson v. Zerbst; 44 U.S.C. 3512

Greetings your Honor:

In the matter of Case No. MJ-14-00030 (JPD),
please accept this AFFIDAVIT documenting
specific acts calling for application of
the decision of the U.S. Supreme Court in
Johnson v. Zerbst, to wit:

- (1) Assistant Federal Public Defender
Rancy Terney refused to perform one (1)
simple task requested by a Defendant, and
Defendant promptly terminated her
assistance of Counsel: see Sixth Amendment;
Defendant and a U.S. Marshal did the task on 6/4/2013;
- (2) Cruel and unusual punishment in
FDC Seatac's Special Housing Unit ("SHU")
deprived Defendant of access to Law
Library: "Inmates housed in the Special
Housing Unit cannot go to the Law Library."
[sic] [emphasis added] — 1 of 4 —

See "FOC SEATAC INMATE ADMISSION AND ORIENTATION HANDBOOK," Dec. 9, 2013, Page 9, under "Legal Assistance."

(3) Defendant declined to sign an Intake Form because it lacked an OMB control number at the upper right-hand corner. BOP's intake Counselor specifically cited Defendant's annotation re: "OMB No." as justification for placing him in the SHU instead of the general population. As such, BOP staff violated the PRA's Public Protection Clause at 44 U.S.C. 3512 i.e. absolute bar to any further judicial or administrative proceedings; here also see 5 USC 3331; and, 5 U.S.C. 2903, 2906 in pari materia;

(4) Defendant drafted hand-written Petition for Habeas Corpus Relief, but Assistant FPD has done nothing to date. She has not prepared that Petition for filing and service, nor as a draft for Defendant's preliminary review and edits & additions. Assistant FPD merely forwards "process" issued by the Court. Defendant mailed a request for additional FPD services on 2/6/2014. FPD does not appear to have adequate procedures or policies to provide effective assistance of Counsel to litigants proceeding in Forma Pauperis and/or in Propria Persona. FPD was also asked to contact Defendant's

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Landlord to learn the status of the contents of Defendant's apartment, but FPD has not replied at all to that specific request.

(5) Defendant also has a utility patent pending for a computer storage device at the U.S. Patent and Trademark Office. Defendant's Personal Computers were hand-built by him, and they are used to test variations and permutations - by way of performing basic research, and saving redundant copies of his patent research database. The loss of any of those custom PCs is too damaging, and too catastrophic, to contemplate, not to mention the threat of losing that apartment and everything else in it. Defendant has lived there since June 18, 2009.

REMEDY

(6) Defendant therefore sincerely believes that the facts itemized above do fully justify an ORDER to the Office of the U.S. Attorney to show cause why said facts do not violate the Sixth Amendment, and also the Eighth Amendment prohibiting cruel and unusual punishment, and also the PRA's Public Protection Clause: 44 USC 3512.
(see next page)

VERIFICATION: 28 U.S.C. 1746

I, Paul Andrew Mitchell, B.A., M.S., hereby verify under penalty of perjury, under the laws of the United States of America, without (outside) the United States (federal government) that the below & the above statement of facts and laws is true and correct according to the best of my current information, knowledge and belief, so help me God.

Dated: 2/6/2014

Signed: Paul Andrew Mitchell, Juris

Printed: Paul Andrew Mitchell, B.A., M.S.
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p.s.

Incorporated by reference, as if set forth fully here: the entire case file currently in custody of Federal Public Defender, Seattle, Washington State, USA. See FREV 201(c)(2): mandatory judicial notice (NOT discretionary).

CONCLUSION

As a consequence of several acts, including but not limited to those described above, the U.S. District Court at Seattle appears to have ousted itself of jurisdiction and is barred from any further judicial proceedings. So be it!

also cf. Brewer v. Wilkinson;
Lemon v. Dugger
(re: "Special Mail")